IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 24240 of 2007(I)

AGAINST THE ORDER IN EP.48/2004 IN
OS.418/1998 of SUB COURT,KOTTARAKKARA
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PETITIONER:

VAMADEVAN, S/O.PADMANABHAN,
PUTHENVILA VEEDU, EAROOR MURI,
EAROOR VILLAGE, KOLLAM.

BY ADV. SRI.P.SANTHALINGAM
SRI.A.D.SHAJAN

RESPONDENT:

G.SUBHASH, GANDHI VILLA,
NEERAZHI LANE, MEDICAL COLLEGE, ULLOOR,
THIRUVANANTHAPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN,J

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W.P.(C).24240 of 2007

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Dated this the 14th day of August, 2007

JUDGMENT

This writ petition is filed seeking for a direction and to set aside the order dated 26.6.2007 of the Subordinate Judges Court, Kottarakkara. By the said order the court has conducted an auction and posted it is for confirmation of sale to 4.9.2007. It is seen by Ext.P4 dated 25.07.2007. The writ petitioner had moved an application to declare the sale as void. So when the writ petitioner has moved in the direction to set aside the sale or declare it is void. Order 21 Rule 92 envisages the situation that sale can be confirmed only after disposal of Ext.P4 application. So the writ petition is dismissed and the court below is directed to dispose of Ext.P4 application and till disposal of Ext.P4 not to confirm the sale.

The writ petition is disposed of accordingly.

M.N.KRISHNAN,JUDGE

dvs